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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,351	06/12/2001	Yutaka Sekiguchi	NEG-208US	2183

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EXAMINER

BUTLER, DENNIS

ART UNIT PAPER NUMBER

2115

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/878,351	Applicant(s) SEKIGUCHI, YUTAKA	
	Examiner Dennis M. Butler	Art Unit 2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,6,8 and 9 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7 and 10 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06122001</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. This action is in response to the application filed on June 12, 2001. Claims 1-11 are pending.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 7, the phrase "the user information" lacks proper antecedent basis because it is unclear whether it refers to the information selected by the user or the OS-boot setting user information. The phrase "which is delivered to the operating system" is unclear as to its relationship the server, the terminal and transmitting a specified operating system to the terminal.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-5, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sposato, U. S. Patent 6,463,530 in view of Hubacher et al., U.S. Patent 6,711,688.

Per claims 1-2, 4-5 and 10:

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A) Sposato teaches the following claimed items:

1. a server that stores an operating system with server 104 of figure 1, with figure 2 and at column 6, lines 9-14;
2. a network connected terminal with any of clients 108, 110 and 112 of figure 1 and with figure 3;
3. preboot means with figure 4 and at column 9, line 32 – column 10, line 21;
4. means for accessing a storage medium removably inserted into the user terminal at column 9, lines 35-45 and at column 11, lines 15-20;
5. means for transmitting, to the server, information corresponding to a user selected operating system at column 9, lines 6-17, at column 12, lines 56-67, and at column 13, lines 1-10 and 60-67;
6. means for transmitting a specified operating system and application to the terminal, storing the operating system and application, booting the operating system and delivering control to the operating system at column 6, lines 9-14, at column 8, line 58 – column 9, line 11, at column 10, lines 45-49 and at column 13, lines 62-67.

B) The claims seem to differ from Sposato in that Sposato fails to explicitly teach the server authenticating the user of the user terminal based on information transmitted from the user terminal as claimed.

C) However, Sposato describes that a security system could be added to his remote boot system that would only allow authorized users to boot the terminal at column 14, lines 5-6. Hubacher teaches that it is known to

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include a server that authenticates the user of the user terminal based on information transmitted from the user terminal during a remote boot procedure with figures 7 and 8 and at column 10, line 62 – column 11, line 36. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a server that authenticates the user of the user terminal based on information transmitted from the user terminal during a remote boot procedure, as taught by Hubacher, in order to ensure that only authorized users boot the user terminals. One of ordinary skill in the art would have been motivated to combine Sposato and Hubacher because of Sposato's suggestion that a security system could be added to his remote boot system that would only allow authorized users to boot the terminal at column 14, lines 5-6. It would have been obvious for one of ordinary skill in the art to combine Sposato and Hubacher because they are both directed to the problem of remotely booting (RIPL) user terminals (clients) in a network by downloading a requested operating system from a server to a client.

Per claim 7:

Sposato describes delivering the operating system and displaying information (menu) as described above. Sposato in view of Hubacher describes user information including security, user ID and password information. Sposato describes encoding user environments (boot options) into selectable MAC addresses that include the type of operating system

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and operating system configuration/environment settings at column 13, lines 1-10 and 60-67.

6. Claims 3, 6, 8 and 9 are allowable over the art of record because the art of record does not teach or suggest the combination of elements or steps recited in these claims.

7. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis M. Butler whose telephone number is 703-305-9663. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Dennis M. Butler

Dennis M. Butler
Primary Examiner
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